

B.) REMARKS:

1. Introduction

Claims 1-7 are currently pending in this application. Claims 1, 6 and 7 are independent. Claims 1, 3, 4, 6 and 7 have been amended herein.

Certain amendments to the independent claims have been entered in response to the pending Examiner's rejections, as detailed hereinbelow. Other amendments to the pending claims may have also been made, but only to clarify the scope of that which the Applicants regard as his invention, and are not meant to limit the scope of such claims as existed prior to such amendments or limit the applicability of any equivalents thereto.

No new subject matter has been added to this application by these amendments.

2. Claim Objections

In paragraph 1 of the Office Action, the Examiner has objected to claims 1-7 and required certain corrections thereto. In light of other amendments to independent claims 1, 6 and 7 made herein, the passages requiring change according to the Examiner have been replaced. The objections to the claims are thereby rendered moot. Accordingly, reconsideration of withdrawal of this rejection of claims 1-7 is respectfully requested.

3. Rejection of Claims under 35 U.S.C. §102

In the Office Action, the Examiner has rejected pending claims 1-7 under 35 U.S.C. §102(a) in view of U.S. Patent No. 6,452,925 to Sistanizadeh et al. (referred to hereinafter as "Sistanizadeh").

This rejection has been overcome by the above amendments entered to the Applicant's independent claims 1, 6 and 7 herein, in which variations of the following recitations have been entered:

(a) "wherein the network access device is connected by a common broadband connection to an access network..."

(b) "selecting the service provider from a list of service providers stored by the network access device" and

(c) "the request including user credentials for the second subscriber retrieved from account configuration data (or authentication information) stored on the network access device."

Support for these recitations can be found, *inter alia*, in the Applicant's Specification at:

(a) page 7, lines 4-25 and page 18, lines 4-6.

(b) page 16, lines 12-18.

(c) page 15, lines 17-24; page 16, line 18 - page 17, line 10; and page 18, lines 11-16.

The Applicants have been mindful of the provisions of MPEP §608.01(o) in making these amendments and the recitations therein are readily supported from the referenced sections of the Specification.

With regard to (a) above, Sistanizadeh fails to teach or suggest that subscribers communicate with access networks over a common broadband connection, such as a cable system. Sistanizadeh specifically instructs that its teachings are not applicable to common broadband connections provided by cable companies (see, Col. 3, lines 26-46 and Col. 8, lines 20-26 of Sistanizadeh). Instead, Sistanizadeh is concerned with implementations involving public switched telephone networks and digital subscriber line services alone (see, Col. 3, lines 54-57 and Abstract of Sistanizadeh). This is a significant distinction since Sistanizadeh requires that data packets not be communicated among its subscribers, in order to provide security in network communications (see, Col. 8, lines 20-26 of Sistanizadeh). This is not possible in a common broadband connection where various subscribers may share broadband access to an access network. Thus, Sistanizadeh is not readily applicable outside the public switched telephone network and digital subscriber line networking environments described therein.

With regard to (b) above, Sistanizadeh fails to teach or suggest that the service provider is selected from a list of service providers stored by the network access device. Instead, Sistanizadeh only teaches that service providers are selected by entering separate user name and password combinations entered by a user of a network access device. The login and password are then used by the access network of Sistanizadeh to identify which service provider is desired (see, Col. 10, lines 21-43; Col. 11, lines 3-8; and Col. 13, lines 17-23 of Sistanizadeh).

With regard to (c) above, Sistanizadeh fails to teach or suggest that the request to change network addresses includes user credentials for the second subscriber retrieved from account configuration data (or authentication information) stored on the network access device. Instead, Sistanizadeh only teaches that a network address change is accomplished by providing a separate user name and password combination entered by a user of a network access device. The login and password, along with the MAC address of the network access device, are then used by the access network of Sistanizadeh to identify which service provider is desired (see, Col. 10, lines 21-43; Col. 11, lines 3-8; and Col. 13, lines 17-23 of Sistanizadeh). Thus, Sistanizadeh operates in a distinct manner from the recitations of Applicants' claims.

Consequently, Sistanizadeh fails to anticipate the subject matter of independent claims 1, 6 and 7 as amended herein. Sistanizadeh likewise fails to anticipate the subject matter of dependent claims 2-5 via their ultimate dependency on independent claim 1. Therefore, reconsideration and withdrawal of this rejection of claims 1-7 are respectfully requested.

4. Conclusion

This amendment is responsive to each issue raised in the Office Action dated August 11, 2004. All objections and rejections of the pending claims 1-7 and have been overcome above. The Applicants therefore respectfully request allowance of each of the pending claims as presented herein, and issuance of the present application.

Please note that a REVOCATION OF ASSOCIATE POWER OF ATTORNEY AND APPOINTMENT OF NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS in favor of the undersigned attorney has been filed with this Response. Please direct all correspondence to the address corresponding to Customer No. 26652 (AT&T Corp, Room 2A-207, One AT&T Way, Bedminster, NJ, 07921) as stated therein.

Entry of the enclosed Information Disclosure Statement and consideration of the references cited therein are respectfully requested. The fee due for this IDS is enclosed herewith.

The Examiner is invited to contact the undersigned attorney by telephone if it will advance the prosecution of this application.

In the event that a further extension of time is required in addition to that requested previously herein, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time, or credit any overpayment, to the below-signed practitioner's deposit account number: 502396.

Dated: February 11, 2005

Respectfully submitted,

By:



Charles A. Rattner
Registration No. 40,136
12 Homewood Lane
Darien, CT 06820-6109
(203) 662-9858
(203) 547-6129 (facsimile)
crattner@axiomlegal.net